

THE CLEAN WATER ACT (CWA)2-43. Dredged and Fill Material Permitting1. AUTHORITY.

- a. To approve grants pursuant to Section 104(b)(3) of the Clean Water Act for research, investigations, experiments, training, demonstrations, surveys and studies related to development of wetlands protection programs, including those programs to issue permits for disposal and dredged or fill material (Section 404(g));
- b. To review, comment on and/or object to applications for State permits in a State with an approved assumed Section 404 permit program (Section 404(j));
- c. To approve or deny State program submissions (Section 404(h));
- d. To approve or deny revisions to approved State programs (Section 404(h));
- e. To review and comment on Corps of Engineers Section 404 public notices (Section 404(q));
- f. To restrict or prohibit designation of disposal sites (Section 404(c));
- g. To request review by the Assistant Secretary of the Army of proposed permit decisions;
- h. To approve Regional designations, including changes, of special cases and special 404(f) matters (Memorandum of Agreement with Department of the Army (MOA)); and
- i. To make final determinations of geographic jurisdiction and applicability of Section 404(f) (MOA).

2. TO WHOM DELEGATED.

- a. The authorities in paragraph 1.e. and 1.i. are delegated to the Director, Environmental Assessment and Innovation Division. The Regional Administrator also retains the ability to exercise this authority, and this authority may be exercised by either the Regional Administrator or the Director, Environmental Assessment and Innovation Division.
- b. The authorities in paragraph 1.e. and 1.i. are delegated to the Associate Director, Office of Environmental Programs, Environmental Assessment and Innovation Division. The Regional Administrator and the Director, Environmental Assessment and Innovation Division also retain the ability to exercise this authority, and this authority may be exercised by the Regional Administrator, the Director, Environmental Assessment and Innovation Division, or the Associate Director, Office of Environmental Programs.

THE CLEAN WATER ACT (CWA)2-43. Dredged and Fill Material Permitting3. REDELEGATION AUTHORITY.

The authorities in paragraph 1.e. and 1.i. may not be redelegated further.

4. ADDITIONAL REFERENCES.

- a. 40 CFR Parts 230, 231.
- b. EPA Order 1000.23.
- c. Memorandum of Agreement between the Department of the Army and the Environmental Protection Agency concerning the determination of the geographic jurisdiction of the Section 404 program and the application of the exemptions under Section 404(f) of the Clean Water Act, dated January 19, 1989.
- d. Clean Water Act Section 404(q) Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army, dated August 1992.

Date: 2/15/12

_____/s/_____
Shawn M. Garvin
Regional Administrator